

Exhibit A

United States Court of Appeals For the First Circuit

No. 08-1002

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION.

FEB 21 2008

ORDER OF COURT

Entered: February 15, 2008

This appeal is brought by two named plaintiffs, Larry Young and Therese Shepley, in their capacity as class representatives, from a judgment in favor of certain defendants ("the Johnson & Johnson defendants") in this massive antitrust class action. The Johnson & Johnson defendants have moved to dismiss the appeal because it is being prosecuted by The Haviland Law Firm ("Haviland"), which was recently disqualified as class counsel by the district court.

Plaintiffs, represented by Haviland, opposed the motion to dismiss, arguing that the appeal was filed prior to the disqualification order and that dismissing the appeal would deprive them of their right to appeal the allegedly erroneous judgment against them. Alternatively, plaintiffs asked that this appeal be consolidated with their appeal from the disqualification order.

Class counsel responded to the motion to dismiss by agreeing that Haviland can no longer prosecute this appeal but moving that the court permit class counsel to be substituted for Haviland rather than dismiss the appeal. In response to class counsel's motion, the Johnson & Johnson defendants acknowledged that class counsel are authorized to prosecute this appeal and that allowing class counsel's motion to substitute themselves for Haviland would make dismissal of the appeal unnecessary.

Although the disqualification order predated the notice of appeal, now that Haviland has been disqualified from serving as class counsel, it can no longer represent the class in this appeal. Further, although the disqualification order itself has been appealed,¹ that order

¹Neither our jurisdiction to review that order nor the merits of that order are presently before us. Accordingly, we intimate no view on

presently remains in effect. Finally, although class counsel did not initially file an appeal on plaintiffs' behalf from the judgment in favor of the Johnson & Johnson defendants, now that class counsel have offered to take over prosecution of the appeal filed by Haviland, plaintiffs' right to pursue their appeal is no longer at stake. We therefore allow class counsel's motion to substitute themselves for Haviland in this appeal, thereby mooting the Johnson & Johnson defendants' motion to dismiss. Since allowing the motion to substitute makes the merits of the disqualification order irrelevant to this appeal, we deny plaintiffs' motion to consolidate this appeal with their appeal from the disqualification order.

Class counsel's motion to substitute is granted. Johnson & Johnson's motion to dismiss and plaintiffs' motion to consolidate are denied.

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER
Chief Deputy Clerk.

[cc: Steve Berman Esq., Rita Hanscom esq., Donald Haviland Esq., Steven Edwards Esq., Andrew Schau Esq., D. Scott Wise Esq., Jill Brenner Meixel Esq., Scott Kinsel Esq.]

either issue.